

Naples City Council

March 12, 2009

Minutes

The regularly scheduled meeting of the Naples City Council was held March 12, 2009, at 7:30 p.m. at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dan Olsen and Kenneth Reynolds. Dennis Long was absent.

COUNCIL MEMBERS ATTENDING

Others attending were Valerie Cowee, Garret Cowee, Jim Harper, Chris Hoem, Connie Patton, Mark Watkins, Craig Blunt and Nikki Kay.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance and the invocation was offered by Gordon Kitchen.

OPENING CEREMONY

Mayor Baker asked if there were any changes or additions to the agenda. Councilman Olsen pointed out that the purchase of the exit signs was inadvertently included on the agenda again this week and asked that it be eliminated. With that change, Dan Olsen **moved** to approve the agenda. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked if there were any changes to the minutes of February 26, 2009. Dan Olsen **moved** to approve the minutes of February 26, 2009. Ken Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Connie Patton presented the bills in the amount of \$88,034.33. Councilman Kitchen questioned the amount for professional services for the 1000 South project. Craig Blunt explained those charges were for the bond resolutions that were put together by Ballard Spahr and Jim Prather. Ken Reynolds **moved** to approve the amount of \$88,034.33. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

Gordon Kitchen	Aye
Ken Reynolds	Aye

Dennis Long	Absent
Dan Olsen	Aye
Robert Hall	Aye

A business license application was received from UBTA-UBET Communications for a retail sales office located at 1827 South 1500 East. Craig Blunt stated he has not made contact with UBET to look inside the building and asked that the Council approve the license based on his final inspection. Gordon Kitchen **moved** to approve the license on condition that they meet any conditions of the final inspection. Ken Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

***BUSINESS LICENSE FOR
U B T A - U B E T
COMMUNICATIONS***

Valerie Cowee, owner of Naples County Café, asked the Council to sign a local consent form from the Utah State Alcohol Beverage Control agency. The local consent form would allow her to obtain a State license to sell beer at her restaurant. Ken Reynolds **moved** to approve the application for the local consent form and to approve an on-premise beer license conditioned upon the states approval of the alcohol license. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

***LOCAL CONSENT FOR
ON-PREMISE BEER
LICENSE***

Chief Watkins asked for approval to purchase digital video equipment for the interrogation/interview room. He said the department would like to move from a VHS system to a DVD system. He told the council he received a bid from Andy's Communication in the amount of \$1,608. Chief Watkins explained the final cost would be less if they are able to tie into the monitor in the officer's room. Robert Hall **moved** to approve up to \$1,608 for the video equipment. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***EXPENDITURE FOR
DIGITAL VIDEO
EQUIPMENT***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Absent
Dan Olsen	Aye
Robert Hall	Aye

Chief Watkins asked for approval to expend the funds set aside in the budget for the City's share of the Buckskin Hills shooting range. Chief Watkins explained the other law enforcement agencies would like to move forward with this project and he was requesting release of the funds. He

***EXPENDITURE FOR
BUCKSKIN HILLS
SHOOTING RANGE***

explained that a portion of the shooting range would be blocked off for the exclusive use of law enforcement. Mayor Baker wanted to know if it could be used by local scouting groups or hunter safety groups. Councilman Kitchen showed a picture of the shooting range and said it wouldn't be necessary for others to use the law enforcement portion because there were a large number of other sites available for those groups. Dan Olsen **moved** to authorize the release of \$25,000 for this expense. Robert Hall **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Absent
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt gave the Council information on a municipal transient room tax - Ordinance 09-113. Craig reported that the State allowed 1% and another ½% could be added if certain conditions were met. Craig explained that the tax is to be used for economic development. Craig said he would need to add a section on the restrictions and update the ordinance for the next meeting. Robert Hall **moved** to approve as a first reading. Gordon Kitchen **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Absent
Dan Olsen	Aye
Robert Hall	Aye

The amended articles of incorporation were given to the Council for their approval. The new articles included the recently annexed property along 3000 South. Dan Olsen **moved** to authorize the Mayor to execute the change in the articles of incorporation to include the new property into the City. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

Craig Blunt gave Council members a copy of the results for the CDBG grant application for assisted living. Craig said their competition was the project from UBAG. Craig said he did not agree with the point system and felt the City's project was equal to the others presented. Mayor Baker said the County had a little more influence in this matter and felt that was the

***MUNICIPAL TRANSIENT
ROOM TAX - ORDINANCE
09-113***

***AMENDED ARTICLES OF
INCORPORATION***

***RESULTS OF CDBG
GRANT APPLICATION***

reason for the results. He thought there might be more funds available in the future and the City might have a chance for some of those. Mayor Baker wanted to know if the City wanted to decline the amount that was offered to them by the CDBG. Craig said he would like to talk with Beehive homes and see what they would like to do. Mayor Baker wanted to know if they could take the amount offered and combine it with a request to the CIB for a match grant. Craig said that might work if they could get a letter from UBAG supporting the project. Mayor Baker said to give it a try and use what was given to approach CIB for a match.

Jim Harper gave the Council members specifications and bids for a loader. Jim stated his recommendation would be the 2006 John Deere 644J with 492 hrs on it. The bid price was \$161,657. Jim explained that the Caterpillars don't have four-way buckets and those would need to be changed out which would mean a change in the hydraulics also. A discussion was held regarding the reach of the bucket, horsepower, and the amount each bucket could hold. Jim also stated the service with John Deere is very good and they keep very good records on their machinery. After the discussion the Council asked Jim to bring back the comparisons for a 2009 Caterpillar and John Deere. The Council also asked Craig to move forward with the application to the CIB and to see if the companies would be willing to hold the equipment while the City waits for the results of the application. No action was taken on this matter.

Jim Harper reported to the Council that he received one bid for the park and grounds maintenance. The bid came from Joe Hadlock for \$160 per week to mow and trim lawns, blow off walks, clean up garbage and weed the flower beds. Mr. Hadlock would charge an hourly rate of \$25-\$30 to cut weeds, fertilize, prune, remove dead organic matter, or to repair sprinklers. Gordon Kitchen **moved** to accept the bid. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Absent
Dan Olsen	Aye
Robert Hall	Aye

Councilman Kitchen wanted to make sure a clause was put in the contract stating when Mr. Hadlock is to start and

SPECIFICATIONS AND BID FOR A NEW LOADER

BID RESULTS FOR PARK AND GROUNDS MAINTENANCE

stating that the City can cancel the contract at any time if something is not satisfactory. Craig said he would make sure that was included.

Chris Hoem came before the Council to present changes the Planning Commission would like to make to the Land Use Ordinance. The first change was to add the definition of facade to 02-02-061 as there was not ever a definition given. The next change was to 02-15-004 for required parking spaces for hotels and motels. The change would allow for one parking space for each unit, plus three additional parking spaces for employees. Under section 02-26-005 the building height was changed to a maximum of 45'. The next recommended change was to 02-27-006 for trash containers to match the facade of the building. Councilman Kitchen pointed out that this requirement was under the wrong section. He pointed out it was under the construction precautions section and said he didn't have a problem with the requirement as long as it was placed in the proper section. A change was recommended to 02-27-008 under parking requirements, the word shall was changed to "should" be located between the front facade of the building and the abutting streets. Chris explained that this would allow big box stores to have parking in the front of their business and not in the back. Section 02-02-010 added the language "The prominence and location of commercial and institutional buildings should encourage architectural design which is highly visible and innovative, while being sympathetic to surrounding built form." The Commission wanted to add the word "decorative" to describe the brick in section 02-27-010. The last change was to section 02-27-010 under the Naples Retail Commercial Center. The words "to the mountains" was added to the last line of the first paragraph. Dan Olsen **moved** to accept the recommended changes to the Land Use Ordinance. Ken Reynolds **seconded** the motion. The motion passed with the following roll call:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Absent
Dan Olsen	Aye
Robert Hall	Aye

Animal Control SSD - Councilman Olsen reported that many people are leaving the area and abandoning their pets when they go. He stated the animal shelter picked up 130

***PLANNING COMMISSION
RECOMMENDATIONS
FOR CHANGES TO LAND
USE ORDINANCE***

***SPECIAL SERVICE
DISTRICT UPDATES***

dogs in the last month. He asked Chief Watkins to have his officers watch for any animals that look as if they may have been abandoned.

Fire Control SSD - Councilman Hall didn't have anything to report but did comment on the reduced amount of the last mineral lease check. He stated it was down about 25%.

Recreation District - Councilman Kitchen said the bidding for the light project came in lower than expected and this will leave funds for other projects. He stated they have also been looking at the budget to see about resurfacing the walk path. Councilman Hall asked if the lights would be installed before girls softball started. Council Kitchen stated they would. Councilman Kitchen also stated the Rec Center was doing better than expected when asked about it by Councilman Hall.

Uintah Impact Mitigation SSD - Councilman Long was absent.

City Administrator - Craig Blunt had nothing to report at this time. Councilman Kitchen asked if the policy manual needed to include a section on harassment in addition to the section on sexual harassment. Craig said he would check on that.

Police Department - Chief Watkins had nothing at this time.

Road Department - Jim Harper reported that the road crew has been working on crack sealing. Jim also stated that UDOT has been sweeping the highway and after they are finished the road crew will try and help maintain it. Councilman Olsen asked about Parkview Subdivision and the irrigation problems. Craig said that Mrs. Turner has been working with Dave Richens and in their conversations there was acceptance of what was done. The people responsible for doing the work told Mrs. Turner they will come back and repair what needs fixed. Craig said he would get with Mrs. Turner again and find out a completion date for those repairs. Councilman Olsen said Questar left quite a mess when they came in to dig their lines and left a lot of dirt and sand on the roads and sidewalks.

Robert Hall **moved** to go into Executive Session to discuss pending or possible litigation. Robert Hall **seconded** the

ADMINISTRATIVE UPDATES

EXECUTIVE SESSION

motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Absent
Dan Olsen	Aye
Robert Hall	Aye

Those present in the closed session were Mayor Baker, Robert Hall, Gordon Kitchen, Dan Olsen, Ken Reynolds, Dennis Judd, Craig Blunt, Mark Watkins, and Nikki Kay.

Ken Reynolds **moved** to go out of the closed session. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***OUT OF EXECUTIVE
SESSION***

With no other business before the Council, Ken Reynolds **moved** to adjourn the meeting at 10:30 p.m. Gordon Kitchen **seconded** the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 26th DAY OF MARCH 2009

BY: _____

ATTEST: _____